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09/810,339	03/19/2001	Hiroshi Yamaguchi	Q62091	6698

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EXAMINER

HO, TUAN V

ART UNIT

PAPER NUMBER

2622

DATE MAILED: 05/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/810,339

Applicant(s)

YAMAGUCHI, HIROSHI

Examiner

Tuan V. Ho

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 24 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-12 and 14-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-6, 8, 7, 2-3, 11-12, 14-15 and 19 is/are allowed.
- 6) ☒ Claim(s) 9, 16 and 18 is/are rejected.
- 7) ☐ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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1. Applicant's arguments with respect to claims 9, 16 and 18 have been considered but are moot in view of the new ground(s) of rejection.

With regard to claim 9, Applicant argues that "the light crystal panel (3) is based on image data of the subject image itself (not a pre-read image) during image pickup. However, the condition setting unit of the claimed invention sets an adjustment area of the light quantity adjustment unit based on image data of a pre-read image which was obtained by previously reading the OJIV of the subject under a predetermined photographic condition by using the photographic unit. The claimed invention bases the setting of the adjustment area on image data of a pre-read image, the pre-read image being obtained by previously reading the image of the subject under a predetermined photographic condition", page 11 of the remarks. In response to the arguments, the examiner notes that Asao discloses in pages 4 and 5, that selection circuit 7 extracts image signals in each region in a picture frame as shown in Fig. 2 and control signal formation circuit 8 generates LCD control signal which controls liquid crystal panel 3 based on the brightness level of each region of the picture frame in a predetermined condition. After receiving control signals, driving circuit 9 controls liquid crystal panel 3 to adjust

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light density by reducing light permeability of the panel. In other words, control signal circuit 8 sets light adjustment areas via driving circuit 9 based on a pre-read image in a predetermined condition, which is obtained before adjusting the panel 3. It is noted that after adjusting the panel, the Asao camera would take an image with correct exposure; where the image is taken after the picture frame.

For the above reasons, the rejection is repeated.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9, 16 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Asao (JP 03-070274 and English translation previously cited).

With regard to claim 9, Asao discloses in Fig. 1, an image pickup device that comprises the optical lens (lens 2, paragraph 1, page 4), photographing unit for taking an image of a subject image through the optical lens (CCD 4, page 4); and a light quantity adjustment unit for partially adjusting a light

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quantity of the image of said subject which is provided in an optical path of light carrying the image of said subject and between said optical lens and said photographing unit (LCD 3 is positioned between lens 2 and CCD 4 as shown in Fig. 1), when said photographing unit is a unit for reading the image of said subject photo-electrically, said photographing device further includes a condition setting unit for setting an adjustment area or said light quantity adjustment unit corresponding to a light quantity adjustment portion of the image of said subject, based image data of a pre-read image which was obtained by previously reading the image of said subject under a predetermined photographing condition by using said photographing unit (selection circuit 7 extracts signals in each regions of CCD 4 and provides the signals to circuit 8; where control formation circuit 8 receives integrated values of image brightness in each regions of CCD 4 and controls LCD 3 via driving circuit 9; noted that control circuit 8 controls LCD 3 based on pre-readout signals from CCD 4, page 4, paragraph 2 and page 5, paragraphs 1, 2 and 3).

With regard to claim 16, Asao discloses in Fig. 1, an image pickup apparatus that comprises the signal converter (selection circuit 7 extracts image data in each regions of image sensor 4; where the image includes bright and dark areas (page 4)).

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With regard to claims 18, Asao discloses in Fig. 2, an image pickup apparatus that comprises the condition setting unit sets said adjustment area of said light quantity adjustment unit, based on information for designating a position of the light quantity adjustment position on said pre-read image, an image mad with a second photoelectric converter or an image taken in a temporally precedent manner (control circuit 8 controls LCD 3 via driving circuit 9, where brightness areas is controlled by using LCD 3 (page 4 paragraphs 1-3 and Figs. 2-5).

3. Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. Claims 1, 5, 6, 8, 7, 2, 3, 11-12, 14, 15 and 19 are allowed.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS

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of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TUAN HO whose telephone number is (571) 272-7365. The examiner can normally be reached on Mon-Fri from 7AM to 4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is (572) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service whose telephone number is (571) 272-2600.

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TUAN HO

Primary Examiner

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